

E-Filed on 1/27/09

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,¹

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**Notice Of Hearing On Motion To
Approve Settlement With Debt
Acquisition Company Of America V, LLC**

Date: February 20, 2009
Time: 9:30 a.m.
Place: Foley Federal Building, 300
Las Vegas Boulevard South,
Courtroom 1, Las Vegas,
Nevada

NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust has filed A
Motion To Approve Settlement With Debt Acquisition Company Of America V, LLC (the
“Motion”) at DE 6770.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

In general, the Motion asks the Court for approval for the Trust's sale of the uncollected claims for Prepaid Interest to DACA for \$1,200,000. DACA has agreed not to bring suit to collect Prepaid Interest from Lenders owing less than \$200,000 in the aggregate. The Trust and DACA further agree that DACA's appeal to the Ninth Circuit of the order confirming the Third Amended Joint Plan of Reorganization will be dismissed, each party to bear its costs and attorneys' fees. Further details of the Motion are in the document filed with the Court or are available from the undersigned counsel.

NOTICE IS FURTHER GIVEN that the hearing on the Motion will be held before the Honorable Linda B. Riegler, United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on **February 20, 2009, at the hour of 9:30 a.m.**

Any opposition must be filed pursuant to Local Rule 9014(d)(1).

Local Rule 9014(d)(1): "Oppositions to a motion must be filed and service must be completed on the movant no later than fifteen (15) days after the motion is served except as provided by LR 3007(b) and LR 9006. If the hearing has been set on less than fifteen (15) days' notice, the opposition must be filed no later than five (5) business days before the hearing, unless the court orders otherwise. The opposition must set forth all relevant facts and any relevant legal authority. An opposition must be supported by affidavits or declarations that conform to the provisions of subsection (c) of this rule."

If you object to the relief requested, you must file a WRITTEN response to this pleading with the Court NO LATER THAN **February 13, 2009.** You must also serve your written response on the person who sent you this notice.

If you object to the relief requested in the Objection/Motion, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response to the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* without formally calling the matter at the hearing.

1 Dated: January 27, 2009.

2 **LEWIS AND ROCA LLP**

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